

Message Text

CONFIDENTIAL

PAGE 01 MOSCOW 13179 01 OF 03 091938Z
ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SP-02 PM-05 CIAE-00 INR-07
NSAE-00 L-03 NSCE-00 SSO-00 INRE-00 ACDA-07 EB-08
DODE-00 PRS-01 AF-10 /071 W
-----035672 092027Z /64

O 091810Z SEP 77
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 1973

CONFIDENTIAL SECTION 1 OF 3 MOSCOW 13179

DEPARTMENT PLEASE PASS TO CHIEF JUSTICE'S OFFICE

E.O. 11652: XGDS-1
TAGS: PARM, PGEN, ETRD, UR, US
SUBJECT: BREZHNEV'S SEPTEMBER 9 MEETING WITH CHIEF JUSTICE BURGER

1. SUMMARY: DURING HOUR AND TWENTY-MINUTE MEETING
WITH CHIEF JUSTICE BURGER MORNING OF SEPTEMBER 9,
BREZHNEV SAID THAT IN THE LAST SEVERAL MONTHS US/SOVIET
RELATIONS HAD TAKEN A TURN FOR THE WORSE. BREZHNEV
MENTIONED IN PARTICULAR DEVELOPMENT IN THE US OF NEW
MILITARY WEAPONS, THE "VERY HARMFUL" US POSTURE
REGARDING THE VLADIVOSTOK AGREEMENT, AN APPARENT LACK
OF DESIRE ON THE US SIDE TO WORK OUT AN EQUITABLE
SOLUTION TO SALT TWO, AND DISCRIMINATION AGAINST THE
USSR IN THE FIELD OF FOREIGN TRADE. AFTER A BRIEF BUT
GLOWING CHARACTERIZATION OF THE NEW SOVIET CONSTITUTION,
BREZHNEV STRESSED THAT HE VIEWED THE ISSUE OF WAR
AND PEACE AS THE MOST IMPORTANT PROBLEM FOR TODAY'S
WORLD LEADERS. SPEAKING AS A PRIVATE AMERICAN
CITIZEN, THE CHIEF JUSTICE RESPONDED THAT HE FELT
THE AMERICAN PEOPLE WERE ANXIOUS TO ACHIEVE WORLD
PEACE BUT WERE DISTURBED BY SUCH INTERNATIONAL
DEVELOPMENTS AS OCCURRED IN ANGOLA. CHIEF JUSTICE
BURGER underscored the importance of working toward
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 13179 01 OF 03 091938Z

GREATER MUTUAL UNDERSTANDING, AND NOTED IN CLOSING
THAT HE WOULD BE GLAD TO COMMUNICATE THE SUBSTANCE
OF BREZHNEV'S REMARKS TO INTERESTED PARTIES IN
WASHINGTON. BREZHNEV'S HEALTH AND STAMINA SEEMED
RELATIVELY GOOD ON THIS OCCASION. END SUMMARY.

2. THIS CABLE, PREPARED ON THE BASIS OF A MEMCON

CLEARED BY THE CHIEF JUSTICE, HIGHLIGHTS THE SUBSTANCE OF THE SEPTEMBER 9 MEETING BETWEEN BREZHNEV AND THE CHIEF JUSTICE. BREZHNEV WAS ACCCOMPANIED BY HIS AIDE, ALEXANDROV, BY SOVIET CHIEF JUSTICE SMIRNOV, AND BY INTERPRETER SUKHODREV. THE AMBASSADOR ACCCOMPANIED CHIEF JUSTICE BURGER. THE MEETING, HELD IN THE KREMLIN, LASTED ABOUT ONE HOUR AND TWENTY MINUTES. THE FULL MEMCON WILL BE POUCHED TO EUR/SOV.

3. THE CURRENT STATE OF US/SOVIET RELATIONS.

READING FOR THE MOST PART FROM A NINE-PAGE PREPARED TEXT, BREZHNEV OPENED THE SUBSTANTIVE PORTION OF THE MEETING BY STRESSING THE IMPORTANCE OF US/SOVIET RELATIONS FOR THE PIVOTAL QUESTION OF WAR AND PEACE. OUR JOINT EFFORTS OVER THE PAST SEVERAL YEARS SEEMED PROMISING, HE SAID: IMPORTANT AGREEMENTS HAD BEEN REACHED AND THERE SEEMED TO BE EVERY CHANCE THAT FURTHER PROGRESS COULD BE ACHIEVED. THE SOVIET UNION HAD DONE ITS UTMOST AND WORLD CONTINUE TO DO SO. FOR EXAMPLE, THE SOVIET LEADERSHIP MADE A MAXIMUM EFFORT TO AVOID COMPLICATIONS DURING THE TRANSITION BETWEEN THE FORD AND CARTER ADMINISTRATIONS, AND TO ENSURE FROM THE VERY BEGINNING THAT CONTACTS WITH THE NEW US LEADERSHIP WOULD BE ON A POSITIVE BASIS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 13179 01 OF 03 091938Z

4. UNFORTUNATELY, BREZHNEV CONTINUED, HE MUST NOTE THAT IN THE LAST SEVERAL MONTHS AFFAIRS HAD TAKEN A DEFINITE TURN: NOT ONLY HAD WE NOT MOVED AHEAD, BUT MATTERS HAD BECOME MUCH MORE COMPLICATED AND HAD IN FACT DETERIORATED. THE US HAS CONTINUED DEVELOPMENT AND DEPLOYMENT OF ALL KINDS OF NEW WEAPONS, THE ARMS RACE WAS BEING STEPPED UP, AND THE GENERAL POLITICAL ATMOSPHERE OF OUR RELATIONS LEFT MUCH TO BE DESIRED.

5. PERHAPS THE CHIEF JUSTICE HAD NOT BEEN ABLE TO LEARN THE MOOD OF THE SOVIET PEOPLE (HERE BREZHNEV SPOKE EXTEMPORANEOUSLY), BUT AMBASSADOR TOON KNOWS OUR PEOPLE AND KNOWS THEY OPPOSE THE ARMS RACE. MANY PEOPLE IN THE SOVIET UNION DO NOT

NOTE BY OC/T: NOT PASSED TO ABOVE ADDRESSEE.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MOSCOW 13179 02 OF 03 091948Z
ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SP-02 PM-05 CIAE-00 INR-07
NSAE-00 L-03 NSCE-00 SSO-00 INRE-00 ACDA-07 EB-08
DODE-00 PRS-01 AF-10 /071 W
-----035804 092027Z /64

O 091810Z SEP 77
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 1974

CONFIDENTIAL SECTION 2 OF 3 MOSCOW 13179

DEPARTMENT PLEASE PASS TO CHIEF JUSTICE'S OFFICE

UNDERSTAND THE UNITED STATES AND ITS POLICIES.
TO PUT IN CRUDELY, SOME ARE BEGINNING TO WONDER IF
THE US IS NOT BENT ON RULING THE WHOLE WORLD.

6. IT IS IMPORTANT TO UNDERSTAND, SAID BREZHNEV,
WHY THE SOVIET UNION IS PUZZLED AT RECENT DEVELOP-
MENTS IN WASHINGTON. THE SOVIET LEADERSHIP HAD
ASSUMED IN ITS MEETINGS WITH PREVIOUS US ADMINISTRA-
TIONS, IN WASHINGTON, MOSCOW, THE CRIMEA AND
VLADIVOSTOK, THAT TALKS WERE NOT BEING CONDUCTED
WITH PRIVATE INDIVIDUALS BUT WITH RESPONSIBLE
GOVERNMENT LEADERS. BREZHNEV HAD MET AND KNEW
WELL PRESIDENTS NIXON AND FORD. HE HAD NOT YET
HAD AN OPPORTUNITY TO MEET PRESIDENT CARTER, BUT HE
WAS FAMILIAR WITH CARTER'S POLICIES AND HE WAS
SURE THE CHIEF JUSTICE WOULD AGREE THAT ONE COULD
ARRIVE AT A SOUND JUDGMENT OF A PERSON ON THE
BASIS OF A CAREFUL READING OF THAT PERSON'S POLICIES,
EVEN WITHOUT A PERSONAL MEETING.

7. IN HIS PAST MEETINGS WITH US LEADERS,
BREZHNEV FELT SURE HE WAS CONDUCTING NEGOTIATIONS
WITH LEADERS WHO WERE PREPARED TO ENSURE THAT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 13179 02 OF 03 091948Z

OBLIGATIONS THEY UNDERTOOK WOULD BE CARRIED OUT.
IN THE OPINION OF THE SOVIET LEADERSHIP, HOWEVER,
THE PRESENT ADMINISTRATION IN WASHINGTON WAS TAKING
NOT ONLY AN UNCONSTRUCTIVE POSITION BUT INDEED A

VERY HARMFUL LINE THAT CALLED INTO QUESTION THE RELIABILITY OF THE US AS A PARTNER AS WELL AS THE OVERALL STABILITY OF THE RELATIONS BETWEEN OUR TWO COUNTRIES.

8. THIS SORT OF APPROACH HAS HAD ITS IMPACT ON OUR CURRENT SALT TALKS, WHERE, IF THE US HAS ITS WAY, A PRIOR AGREEMENT WILL BE IGNORED WHICH CAREFULLY BALANCED THE INTERESTS OF BOTH SIDES. THIS AGREEMENT, BREZHNEV RECALLED, WAS REACHED AT THE HIGHEST LEVEL AT VLADIVOSTOK. INDEED, BREZHNEV REMEMBERED VIVIDLY SPENDING THE BETTER PART OF THE NIGHT WITH PRESIDENT FORD AND HIS ADVISERS IN SEEKING AND FINALLY REACHING AGREEMENT. A GREAT DEAL WAS ACHIEVED AT VLADIVOSTOK AND IN SUBSEQUENT MEETINGS THAT SHOULD BE EMBODIED IN THE TEXT OF A NEW SALT II AGREEMENT. BUT THE NEW ADMINISTRATION HAS APPARENTLY DECIDED TO ERASE WHAT WAS ACHIEVED AND TO PUT FORWARD NEW PROPOSALS WHICH ARE CONTRARY TO THE VLADIVOSTOK ACCORD AND WHICH MUST BE SEEN AS COMPLETELY ONE-SIDED. BREZHNEV SAID HE MUST AGAIN STRESS THAT AGREEMENTS BETWEEN RESPONSIBLE POWERS MUST BE OBSERVED AND CANNOT BE THE SUBJECT OF "PETTY BARGAINING".

9. ONE MUST, IN SUM, ADMIT THAT SERIOUS DIFFICULTIES HAVE SURFACED AND HAVE BEGUN TO AFFECT OUR RELATIONSHIP. WE DO NOT SEE TODAY ANY DESIRE ON THE US SIDE TO WORK OUT A MUTUALLY ACCEPTABLE SOLUTION ON THE

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 13179 02 OF 03 091948Z

BASIS OF EQUALITY AND EQUAL SECURITY. IT SEEMS THAT THE US IS NOT READY FOR A CONSTRUCTIVE DISCUSSION OF THE PROBLEM; THIS WAS APPARENT FROM THE RECENT POSTPONEMENT OF THE MEETING SCHEDULED AT VIENNA BETWEEN GROMYKO AND VANCE. THIS MEETING HAS NOW BEEN RE-SCHEDULED, AT THE INITIATIVE OF THE US, FOR LATE SEPTEMBER, AND MEANWHILE THE PRESENT SALT ACCORD IS SOON TO EXPIRE.

10. DISCRIMINATION IN FOREIGN TRADE. ANOTHER EXAMPLE OF FAILURE ON THE PART OF THE US TO IMPLEMENT ITS OBLIGATIONS IS FOUND IN THE FOREIGN TRADE FIELD, BREZHNEV CONTINUED. AS FAR BACK AS 1972 THE SOVIET UNION AND THE US AGREED TO ELIMINATE DISCRIMINATION IN TRADE. BUT TO THIS DAY THIS OBLIGATION HAS NOT BEEN VALIDATED, AND THE FAULT LIES EXCLUSIVELY WITH THE US. WE FAIL TO SEE ANY MEASURES TAKEN BY THE CURRENT US ADMINISTRATION TO ELIMINATE DISCRIMINATORY PRACTICES IN ORDER TO IMPLEMENT THE AGREEMENT

REACHED IN 1972. WE ARE NOT SPEAKING OF CONCESSIONS TO ONE SIDE OR THE OTHER, BREZHNEV STRESSED, BUT SIMPLY MEASURES IN OUR MUTUAL INTEREST. THE PRINCIPLE OF "PACTA SUNT SERVADA" (WITH AN ASSIST FROM SMIRNOV) MUST BE OBSERVED, AND THIS PRINCIPLE APPLIES TO

NOTE BY OC/T: NOT PASSED TO ABOVE ADDRESSEE.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MOSCOW 13179 03 OF 03 092004Z
ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SP-02 PM-05 CIAE-00 INR-07
NSAE-00 L-03 NSCE-00 SSO-00 INRE-00 ACDA-07 EB-08
DODE-00 PRS-01 AF-10 /071 W
-----036020 092027Z /64

O 091810Z SEP 77
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 1975

CONFIDENTIAL SECTION 3 OF 3 MOSCOW 13179

DEPARTMENT PLEASE PASS TO CHIEF JUSTICE'S OFICE

THE FIELD OF TRADE AS WELL AS ARMS CONTROL.
HERE, AS WITH SALT, THE BALL IS IN THE US COURT.

11. PRESENT POSITION OF THE SOVIET UNION. THE SOVIET UNION, SAID BREZHNEV IN CONCLUDING THIS PORTION OF HIS STATEMENT, IS PREPARED NOW, AS BEFORE, TO DO WHAT IT CAN TO OVERCOME THE PRESENT "RECESSION" IN US/SOVIET RELATIONS. THE SOVIET UNION IS PREPARED TO PROCEED FURTHER ALONG THE PATH OF CONSTRUCTIVE COOPERATION WITH THE US IN THE SOLUTION OF BILATERAL QUESTIONS AS WELL AS MAJOR INTERNATIONAL PROBLEMS. BUT THE DESIRE OF ONLY ONE SIDE IS NOT SUFFICIENT. MUTUAL EFFORTS ARE REQUIRED TO BRING ABOUT A POSITIVE CHANGE IN OUR RELATIONS. THE SOVIET UNION WELCOMES CERTAIN RECENT STATEMENTS BY PRESIDENT CARTER, AND IN FACT RESPONDED TO THEM IN A POSITIVE WAY. THE SOVIET LEADERSHIP SAID IN THIS CONNECTION THAT WHENEVER MR. CARTER SPEAKS OF REAL PEACE, THEY ARE PREPARED TO RESPOND PROMPTLY. BUT THE SOVIET LEADERSHIP POINTED OUT THAT WORDS MUST BE TRANSLATED INTO PRACTICAL DEEDS. WE ARE

READY TO GO HALFWAY, BUT THE US MUST DO ITS PART.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 13179 03 OF 03 092004Z

12. GLORIES OF THE NEW CONSTITUTION. BREZHNEV THEN SAID HE WISHED TO MENTION BRIEFLY A VERY IMPORTANT DEVELOPMENT IN HIS COUNTRY, THE NEW DRAFT CONSTITUTION AND ITS NATION-WIDE DISCUSSION. HE SPOKE HERE IN PREDICTABLE TERMS, STRESSING THAT THE NEW CONSTITUTION WOULD STRENGTHEN DEMOCRACY AND SOCIALIST LEGALITY AND WOULD IN PARTICULAR INCREASE THE ROLE OF THE COURTS AND THE PROCURACY.

13. IN CONCLUDING HIS REMARKS (WHICH TOOK WELL OVER AN HOUR), BREZHNEV WISHED SUCCESS TO AMERICAN JURISTS IN THEIR EFFORTS TO STRENGTHEN PEACE. IF HE SEEMED EMOTIONAL AND EXCITED ABOUT THE ISSUE OF WAR AND PEACE, HE ADDED, THIS WAS SIMPLY BECAUSE HE HAD PERSONALLY EXPERIENCED WAR AND FELT THIS ISSUE POSED THE MOST IMPORTANT TASK FOR MANKIND AND FOR TODAY'S WORLD LEADERS.

14. CHIEF JUSTICE BURGER'S RESPONSE. THE CHIEF JUSTICE SAID HE WISHED BRIEFLY TO COMMENT AS A PRIVATE CITIZEN - NOT IN ANY OFFICIAL CAPACITY - ON BREZHNEV'S STATEMENT. HE HAD BEEN DEEPLY MOVED BY HIS VISIT TO THE PISKAREV CEMETERY IN LENINGRAD AND WISHED TO STRESS THAT THE AMERICAN PEOPLE WERE FAMILIAR WITH THE GREAT SACRIFICES MADE DURING THE WAR BY THE PEOPLE OF LENINGRAD AS WELL AS BY ALL THE SOVIET PEOPLE. HE WAS CONVINCED THAT THE US PEOPLE WERE JUST AS ANXIOUS TO ACHIEVE WORLD PEACE AS WERE THE PEOPLE OF THE SOVIET UNION. AND HE AGREED COMPLETELY WITH BREZHNEV THAT WORLD PEACE DEPENDED MORE UPON THE US AND THE USSR THAN UPON ANYONE OR ANYTHING ELSE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 13179 03 OF 03 092004Z

15. BUT, THE CHIEF JUSTICE CONTINUED, HE WOULD BE LESS THAN FRANK IF HE DID NOT POINT OUT TO MR. BREZHNEV THAT THE ORDINARY US CITIZEN WAS ALSO VERY MUCH DISTURBED BY CERTAIN RECENT DEVELOPMENTS IN THE WORLD SUCH AS THOSE IN ANGOLA. SURELY MR. BREZHNEV MUST AGREE THAT BOTH THE USSR AND THE US HAVE ALL THE TERRITORY THEY CAN MANAGE, AND NEITHER NEEDS

MORE. IN HIS VIEW AS A PRIVATE CITIZEN, IT WAS
VERY IMPORTANT THAT SUCH MISUNDERSTANDINGS AS HAVE
TAKEN PLACE IN THE PAST BE AVOIDED IN THE FUTURE,
AND THIS REQUIRED THE FRANKEST OF DISCUSSIONS
BETWEEN US IN ORDER TO ENSURE THAT THE WORDS WE USE
MEAN THE SAME THING TO EACH PARTY. WE MUST USE
EVERY DISCUSSION, EVERY MEETING TO ADVANCE OUR
MUTUAL UNDERSTANDING. MEANWHILE, THE CHIEF JUSTICE
SAID HE WOULD BE GLAD UPON HIS RETURN TO COMMUNICATE
THE ESSENCE OF WHAT MR. BREZHNEV HAD SAID THIS
MORNING TO THOSE IN WASHINGTON WHO WOULD BE
INTERESTED.

16. BREZHNEV'S HEALTH. BREZHNEV SEEMED TO HAVE
BENEFITED FROM HIS REST IN THE CRIMEA. HIS COLOR
WAS GOOD; HE SEEMED ALERT AND COGENT, EVEN WHEN
HE DEPARTED FROM HIS WRITTEN TEXT. HIS SPEECH WAS
SOMEWHAT SLURRED, BUT WAS FAR CLEARER THAN DURING
SECRETARY'S VANCE'S VISIT LAST SPRING. THE
AMBASSADOR NOTICED NO SCAR ON THE LEFT SIDE OF
BREZHNEV'S FACE.

TOON

NOTE BY OC/T: NOT PASSED TO ABOVE ADDRESSEE.

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FOREIGN RELATIONS, MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 09-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MOSCOW13179
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Expiration:
Film Number: D770327-0699
Format: TEL
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770981/aaaacqko.tel
Line Count: 355
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a04a9849-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1333287
Secure: OPEN
Status: NATIVE
Subject: BREZHNEV'S SEPTEMBER 9 MEETING WITH CHIEF JUSTICE BURGER
TAGS: PARM, CGEN, ETRD, UR, US, (BURGER, WARREN), (BREZHNEV, LEONID I)
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/a04a9849-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009